

REMARKS

In response to the Office Action dated March 31, 2009, Applicants respectfully request reconsideration based on the above amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-18 were rejected under 35 U.S.C. § 112, second paragraph. The claims have been amended to address the items raised by the Examiner. The priority bar is determined based on minimum of a priority limit and a highest priority on said primary queue and said at least one secondary queue. When the process begins, however, the priority bar is assigned an initial value. An exemplary initial value is described in paragraph [0018] and pending claims 5, 11 and 17.

Claims 1-18 were rejected under 35 U.S.C. § 103 as being unpatentable over Smith in view of Hori. This rejection is traversed for the following reasons.

Smith generally teaches processing requests based on a priority and deferring lower priority requests (column 7, lines 32-55). Smith makes no teaching of “setting the priority bar equal to a minimum of a priority limit and a highest priority on said primary queue and said at least one secondary queue; if said primary queue contains a work element having a priority greater than or equal to said priority bar, processing said work element; if said primary queue contains a work element having a priority less than said priority bar, processing a work element from said at least one secondary queue” recited in claim 1. The Examiner relies on Hori as teaching a comparator that takes the minimum of two values in order to compare and select an input given multiple inputs.

It is not clear how the circuitry of Hori can be combined with Smith. Further, there is no teaching or suggestion in either Smith or Hori of setting the priority bar equal to a minimum of a priority limit and a highest priority on said primary queue and said at least one secondary queue. Smith teaches a priority threshold, but does not teach setting the priority bar equal to a minimum of a priority limit and a highest priority on said primary queue and said at least one secondary queue. Hori only teaches selecting a minimum of two values. There is no logical or predictable combination of Smith and Hori that results in the features of claim 1.

For at least the above reasons, claim 1 is patentable over Smith in view of Hori.

Claims 2-6 variously depend from claim 1 and are patentable over Smith in view of Hori for at least the reasons advanced with reference to claim 1.

Claim 7 recites “setting the priority bar equal to a minimum of a priority limit and a highest priority on said primary queue and said at least one secondary queue; if said primary queue contains a work element having a priority greater than or equal to said priority bar, processing said work element; if said primary queue contains a work element having a priority less than said priority bar, processing a work element from said at least one secondary queue.” The combination of Smith in view of Hori fails to teach these features. Claims 8-12 variously depend from claim 7 and are patentable over Smith in view of Hori for at least the reasons advanced with reference to claim 7.

Claim 13 recites “setting a priority bar equal to a minimum of a priority limit and a highest priority on said primary queue and said at least one secondary queue; if said primary queue contains a work element having a priority greater than or equal to said priority bar, processing said work element; if said primary queue contains a work element having a priority less than said priority bar, processing a work element from said at least one secondary queue according to priority values in said at least one secondary queue.” The combination of Smith in view of Hori fails to teach these features. Claims 14-18 variously depend from claim 13 and are patentable over Smith in view of Hori for at least the reasons advanced with reference to claim 13.

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 09-0463.

Respectfully submitted,

By: 

David A. Fox
Registration No. 38,807
CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford, CT 06103-3207
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 46429

Date: June 29, 2009